



Michael S. McManus

Hon. Michael S. McManus
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re)	Case No. 10-51694
)	
MICHAEL SZALAPSKI and LESA)	Chapter 13
BUNTING,)	
)	Date: August 20, 2010
Debtor.)	Time: 2:00 p.m.
)	

MEMORANDUM

The debtors' objection to the proof of claim filed by MorEquity, Inc., will be overruled for the reasons explained below.

First, counsel for the debtors failed to appear at the hearing on the objection. This failure indicates that the debtors have failed to appear in the diligent and proper prosecution of their objection.

Second, the objection argues that the foreclosure fees and costs included in the proof of claim should be allowed as an unsecured claim rather than a secured claim. However, this

1 objection is accompanied by no evidence and it points to nothing
2 in the note and deed of trust indicating that the creditor cannot
3 claim foreclosure fees and costs. Generally speaking, the
4 standard form deed of trust permits a foreclosing lender and its
5 agents to add to the underlying loan all fees and costs
6 associated with protecting and foreclosing upon the collateral
7 for the loan. There is nothing in the objection even suggesting
8 that this loan is atypical.